

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Bergmann's Cleaning, Incorporated
Facility Name: Bergmann's Cleaning, Incorporated
Facility Location: 2147 Lee Highway
Arlington, Virginia 22201

Registration Number: 71868
Permit Number: NVRO71868

November 4, 2005
Effective Date

November 4, 2010
Expiration Date

Director, Department of Environmental Quality

Signature Date

Table of Contents

I. FACILITY INFORMATION.....	3
II. EMISSION UNITS.....	4
III. FUEL BURNING EQUIPMENT REQUIREMENTS – (EMISSION UNIT ID# B-3 & B-4)....	5
A. LIMITATIONS.....	5
B. MONITORING AND RECORDKEEPING	5
C. TESTING	6
IV. PROCESS EQUIPMENT REQUIREMENTS – (EMISSION UNIT ID# C-1 THRU C-5).....	7
A. LIMITATIONS.....	7
B. MONITORING	8
C. RECORDKEEPING	9
D. TESTING	10
VI. INSIGNIFICANT EMISSION UNITS.....	11
VIII. PERMIT SHIELD & INAPPLICABLE REQUIREMENTS	12
IX. GENERAL CONDITIONS	13
A. FEDERAL ENFORCEABILITY	13
B. PERMIT EXPIRATION	13
C. RECORDKEEPING AND REPORTING	14
D. ANNUAL COMPLIANCE CERTIFICATION	15
E. PERMIT DEVIATION REPORTING.....	16
F. FAILURE/MALFUNCTION REPORTING	16
G. SEVERABILITY	16
H. DUTY TO COMPLY.....	16
I. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	16
J. PERMIT MODIFICATION.....	16
K. PROPERTY RIGHTS.....	17
L. DUTY TO SUBMIT INFORMATION.....	17
M. DUTY TO PAY PERMIT FEES	17
N. FUGITIVE DUST EMISSION STANDARDS	17
O. STARTUP, SHUTDOWN, AND MALFUNCTION	18
P. ALTERNATIVE OPERATING SCENARIOS.....	18
Q. INSPECTION AND ENTRY REQUIREMENTS	18
R. REOPENING FOR CAUSE	19
S. PERMIT AVAILABILITY	19
T. TRANSFER OF PERMITS	19
U. MALFUNCTION AS AN AFFIRMATIVE DEFENSE	20
V. PERMIT REVOCATION OR TERMINATION FOR CAUSE	20
W. DUTY TO SUPPLEMENT OR CORRECT APPLICATION	21
X. STRATOSPHERIC OZONE PROTECTION.....	21
Y. ACCIDENTAL RELEASE PREVENTION.....	21
Z. CHANGES TO PERMITS FOR EMISSIONS TRADING	21
AA.EMISSIONS TRADING.....	21

I. Facility Information

Permittee

Bergmann's Cleaning, Incorporated
2147 Lee Highway
Arlington, Virginia 22201

Responsible Official

Mr. Jeffrey R. Bergmann
Vice President

Facility

Bergmann's Cleaning, Incorporated
2147 Lee Highway
Arlington, Virginia 22201

Contact Person

Mr. E. Peter Bergmann
President
(703) 247-7626

County-Plant Identification Number: 51-013-00212

Facility Description: NAICS number – 812320 - Drycleaning and Laundry Services (except Coin-Operated), formerly SIC code 7216
- 561740 - Carpet and Upholstery Cleaning,
formerly SIC code 7217

Bergmann's Cleaning, Incorporated provides dry cleaning services using 5 dry-to-dry cleaning machines. The facility is a Title V major source of perchloroethylene (perc), a dry cleaning compound considered to be a hazardous air pollutant. The facility is located in a moderate ozone non-attainment area. EPA no longer regulates perc as a volatile organic compound (VOC). Instead, it is now regulated as a hazardous air pollutant.

Before the redesignation of the pollutant, a permit was issued on March 18, 1983 to modify the facility to add a small boiler. It also incorporated the existing dry cleaning equipment with a VOC limit of 94 tons per year. Because of changes to Virginia (and EPA) air regulations, the permit was rescinded on June 15, 1999. The facility recently replaced one of their boilers with smaller unit, rated at 5 million Btu/hour, which does not require an air permit. The plant is subject to federal regulations stated in 40 CFR 63, Subpart M. Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities. The facility is currently in compliance with the Virginia air regulations.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
B-3	S-3	Natural gas/#2 oil-fired boiler Cleaver Brooks 150 Hp	6 million Btu/hr input	N/A	N/A	N/A	N/A
B-4	S-4	Natural gas/#2 oil-fired boiler Fulton model RB, 125 Hp	5 million Btu/hr input (installed July 2005)	N/A	N/A	N/A	N/A
Dry Cleaning Equipment							
C-1, C-2	room vent	Multimatic Dry Cleaning machines 1994 - Atlas #840894-5712	110 lbs clothes, each	built-in refrigerated (cooler) condenser and distillation unit	N/A	perc	N/A
C-3	room vent	Multimatic Dry Cleaning machine 1989- Shopstar 500 ST	65 lbs clothes	built-in refrigerated (cooler) condenser with external distillation unit	N/A	perc	N/A
C-4, C-5	room vent	Multimatic Dry Cleaning machines 1989- Shopstar 500 ST	65 lbs clothes, each	built-in cooler condenser with shared external DCI distillation unit	N/A	perc	N/A

*The Size/Rated capacity [and PCD efficiency] is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements-(emission unit ID# B-3 & B-4)

A. Limitations

1. The approved fuels for the two boilers are natural gas and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396-78 "Standard Specification for Fuel Oils". A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110)
2. Emissions from the operation of each boiler shall not exceed the limits specified below:

	<u>Boiler #B-3</u>	<u>Boiler #B-4</u>	
Total Suspended Particulate/PM10	1.8 lbs/hr	1.5 lbs/hr	(9 VAC 5-40-900 A.2.a)
Sulfur Dioxide	6.4 lbs/hr	5.3 lbs/hr	(9 VAC 5-40-930 A.2)
(9 VAC 5-80-110)			

3. Visible emissions from each of the two boiler stacks shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity.
(9 VAC 5-80-110 and 9 VAC 5-50-80)
4. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110 and 9 VAC 5-50-260)

B. Monitoring and Recordkeeping

1. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
 - a. The name of the fuel supplier,
 - b. The date on which the oil was received,
 - c. The volume of distillate oil delivered in the shipment.
(9 VAC 5-80-110)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrated compliance with this permit. The content of and format of such records shall be arranged with the Air Compliance Manager, Northern Virginia Regional Office. These records shall include, but are not limited to:
 - a. The annual throughput of natural gas (in million cubic feet) and distillate oil (in 1000 gallons) for the two boilers. The annual throughput shall be calculated as the sum of each consecutive twelve month period.
 - b. All fuel supplier certifications.
 - c. A record of all maintenance and repair performed on the boilers.
 - d. The DEQ-approved, pollutant-specific emission factors and the equations used to demonstrate compliance with Condition III.A.2.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-50-50, 9 VAC 5-50-20E and 9 VAC 5-80-110)

3. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
SO ₂	EPA Method 6
PM/PM-10	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

IV. Process Equipment Requirements – (emission unit ID# C-1 thru C-5)

A. Limitations

1. The owner or operator of each new Multimatic Atlas dry-to-dry machine (Emission Unit ID C1-2) and its ancillary equipment:
 - a. Shall route the air-perchloroethylene gas-vapor stream contained within each dry cleaning machine through a refrigerated condenser or an equivalent device;
 - b. Shall pass the air-perchloroethylene gas-vapor stream from inside the dry cleaning machine drum through a carbon adsorber or equivalent control device immediately before or as the door of the dry cleaning machine is opened.

(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(b)(1), (b)(3))

2. The owner or operator of each existing Multimatic Shopstar 500ST dry-to-dry machine (Emission Unit ID C-3, 4, 5) and its ancillary equipment, installed in 1989, shall route the air-perchloroethylene gas-vapor stream contained within each dry cleaning machine through a refrigerated condenser or an equivalent control device.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(a)(1))

3. The owner or operator shall close the door of each dry cleaning machine immediately after transferring articles to or from the machine, and shall keep the door closed at all other times.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(c))

4. The owner or operator of each dry cleaning system shall operate and maintain the system according to the manufacturers' specifications and recommendations.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(d))

5. Each refrigerated condenser used for the purposes of complying with Permit Condition IV. A.1 or A.2 and installed on a dry-to-dry machine, dryer, or reclaimer:

- a. Shall be operated to not vent or release the air-perchloroethylene gas-vapor stream contained within the dry cleaning machine to the atmosphere while the dry machine is rotating;
- b. Shall be monitored according to Permit Condition IV. B.1;
- c. Shall be operated with a diverter valve, which prevents air drawn into the dry cleaning machine when the door of the machines is open from passing through the refrigerated condenser.

(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(e))

6. The owner or operator of an affected facility shall drain all cartridge filters in their housing, or other sealed container, for a minimum of 24 hours, or shall treat such filters in an equivalent manner, before removal from the dry cleaning facility.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M 63.322(i))
7. The owner or operator of an affected facility shall store all perchloroethylene and wastes that contain perchloroethylene in solvent tanks or solvent containers with no perceptible leaks.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(j))
8. The owner or operator of a dry cleaning system shall inspect the following components weekly for perceptible leaks while the dry cleaning system is operating:
 - a. Hose and pipe connections, fittings, couplings, and valves;
 - b. Door gaskets and seatings;
 - c. Filter gaskets and seatings;
 - d. Pumps;
 - e. Solvent tanks and containers;
 - f. Water separators;
 - g. Muck cookers;
 - h. Stills;
 - i. Exhaust dampers;
 - j. Diverter valves; and
 - k. Cartridge filter housings.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(k))
9. The owner or operator of a dry cleaning system shall repair all perceptible leaks detected under Permit Condition IV. A.8 within 24 hours. If repair parts must be ordered, either a written or verbal order for those parts shall be initiated within 2 working days of detecting such a leak. Such repair parts shall be installed within 5 working days after receipt.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(m))
10. If parameter values (i.e. temperature) monitored under Permit Condition IV. A.5. do not meet the values specified in Permit Condition IV. B.1, adjustments or repairs shall be made to the dry cleaning system or control device to meet those values. If repair parts must be ordered, either a written or verbal order for such parts shall be initiated within 2 working days of detecting such a parameter value. Such repair parts shall be installed within 5 working days after receipt.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.322(n))

B. Monitoring

1. For each dry cleaning equipment with a refrigerated condenser (Emission Unit ID C-1, C-2, C-3, C-4, C-5), the owner or operator shall measure the temperature of the air-perchloroethylene gas-vapor stream on the outlet side of the refrigerated condenser

on a dry-to-dry machine, dryer, or reclaimer weekly with a temperature sensor to determine if it is equal to or less than 7.2 °C (45 °F). The temperature sensor shall be used according to the manufacturer's instructions and shall be designed to measure a temperature of 7.2 °C (45 °F) to an accuracy of 1.1 °C (± 2 °F).
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.323(a)(1))

2. When calculating yearly perchloroethylene consumption for the purpose of demonstrating applicability to the standards, the owner or operator shall perform the following calculation on the first day of every month:
 - a. Sum the volume of all perchloroethylene purchases made in each of the previous 12 months, as recorded in the log described in Permit Condition IV. C.1.
 - b. If no perchloroethylene purchases were made in a given month, then the perchloroethylene consumption for that month is zero gallons.
 - c. The total sum calculated accordingly is the yearly perchloroethylene consumption at the facility.

(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.323(d))

C. Recordkeeping

1. Each owner or operator of a dry cleaning facility shall keep receipts of perchloroethylene purchases and a log of the following information and maintain such information on site and show it upon request for a period of 5 years:
 - a. The volume of perchloroethylene purchased each month by the dry cleaning facility as recorded from perchloroethylene purchases; if no perchloroethylene is purchased during a given month then the owner or operator would enter zero gallons into the log;
 - b. The calculation and result of the yearly perchloroethylene consumption determined on the first day of each month as specified in Permit Condition IV. B.2;
 - c. The dates when the dry cleaning system components are inspected for perceptible leaks, as specified in Permit Condition IV. A.8, and the name or location of dry cleaning system components where perceptible leaks are detected;
 - d. The dates of repair and records of written or verbal orders for repair parts to demonstrate compliance with Permit Conditions IV. A.9 and 10;
 - e. The date and temperature sensor monitoring results, as specified in Permit Condition IV.B. 1 if a refrigerated condenser is used to comply with the standards.

(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.324(d)(1)-(d)(5))

2. Each owner or operator of a dry cleaning facility shall retain onsite a copy of the design specifications and the operating manuals for each dry cleaning system and each emission control device located at the dry cleaning facility.
(9 VAC 5-60-100, and 40 CFR 63, Subpart M section 63.324(d)(1)-(d)(5))
3. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrated compliance with this permit. The content of and format of such records shall be arranged with the Director, Northern Virginia Regional Office. These records shall include, but are not limited to annual throughput of perc, calculated monthly as the sum of each consecutive twelve month period. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-50-50 and 9 VAC 5-80-110)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
Perc	EPA Methods 18, 25, 25a

(9 VAC 5-80-110)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
D-1	10,000-gallon #2 fuel oil storage tank	9VAC 5-80-720B	VOC	-
D-2	10,000-gallon gasoline storage tank	9VAC 5-80-720B	VOC	-

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60 Subpart Kb (§ 60.110b - § 60.117b)	Standards of Performance for Volatile Organic Liquid Storage Vessels (after July 23, 1984)	Petroleum storage tanks greater than 75 cubic meters (19,817 gallons) capacity

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

1. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
2. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
3. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
4. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
5. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
6. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. The annual compliance certification shall be sent to DEQ at the following address:
Air Compliance Manager
DEQ Northern Virginia Regional Office
13901 Crown Court
Woodbridge, Virginia 22193
8. One copy of the annual compliance certification shall be sent also to EPA at the following address:
Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Northern Virginia Regional Office, within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Northern Virginia Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Northern Virginia Regional Office.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or

revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during

sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of subsection 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
 - e. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
 - f. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)